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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/734,746	12/12/2000	Richard Barrington	A33025-066680.0111	4818
21003	7590	03/09/2006	EXAMINER	
BAKER & BOTTS 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			HAVAN, THU THAO	
			ART UNIT	PAPER NUMBER
			3624	

DATE MAILED: 03/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/734,746

Applicant(s)

BARRINGTON ET AL.

Examiner

Thu Thao Havan

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**Detailed Action**

***Response to Amendment***

Claims 1-36 are pending. This action is in response to the RCE received December 14, 2005.

***Response to Arguments***

Applicant's arguments with respect to claims 1-36 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-36 are rejected under 35 U.S.C. 101 because the claims do not produce a useful, concrete, and tangible result. For example, claim 1 prescribes only steps for determining parameters for an intended use. However, claim 1 lacks any physical acts that would justify a useful, concrete and tangible result. As currently claimed, the intended use is merely hypothetical.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Powers et al. (US 6,684,190).

Re claims 1-6, 18-24, and 35-36, Powers teaches a process for determining at least one financial indicator for investments and savings to achieve a particular goal of an individual investor (col. 3, line 65 to col. 4, line 6), comprising the steps of:

obtaining financial information from the individual investor (col. 5, lines 45-48; user input his/her individual financial information);

obtaining further information which is indicative of at least one of:

a. the individual investor's tolerance for a decline in the investments (abstract; Powers discloses user's appropriate risk tolerance),

and

b. the individual investor's tolerance for failure to achieve the particular goal (col. 1, lines 13-19; fig. 11; user has the ability to evaluate and re-balance the risk in accordance with his/her risk tolerance); and

determining the at least one financial indicator as a function of the financial information obtained from the individual investor and the further information, wherein the at least one financial indicator comprises an asset allocation requirement to achieve the particular goal

(col. 8, line 44 to col. 9, line 47; figs. 4-13; Powers graphically plots the requirement to achieve the particular investment goal).

Re claim **7**, Powers teaches substep of calculating the asset allocation data based on the financial information (figs. 13-17).

Re claims **8** and **25**, Powers teaches obtaining historical data for the investor or for at least one further party, wherein the asset allocation data is calculated using the historical data (col. 15, lines 6-33).

Re claims **9-10** and **26-27**, Powers teaches return assumption data for the investor (col. 8, lines 52-65; figs. 3-7).

Re claims **11** and **28**, Powers teaches annual savings data for the investor (col. 10, lines 39-67).

Re claims **12** and **29**, Powers teaches a. first data indicative of a lump sum needed for a retirement of the investor, b. second data indicative of a value of current savings at the retirement of the investor, c. third data indicative of total savings needed to close a gap for the investor between the first data and the second data, and d. fourth data indicative of annual savings needed to close the gap (col. 9, line 37 to col. 10, line 28).

Re claims **13** and **30**, Powers teaches a. current income of the investor, b. expected years until retirement of the investor, c. expected years to be spent in retirement, d. target annual retirement income of the investor, e. estimated annual social security benefits of the investor, and f. current retirement assets of the investor (col. 8, lines 25-65).

Re claims **14-17** and **31-34**, Powers teaches the estimated annual social security benefits, the expected years to be spent in the retirement, and the return assumption data (col. 11, lines 1-55).

### Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bove et al, US 2005/0154658

Loeper, US 2002/0091604

Hodgdon et al, US 6,985,880

Macey, US 6,947,904

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Thao Havan whose telephone number is (571) 272-8111. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct-uspto.gov/>. Should you have questions on access to the

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Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

TTH  
3/3/2006

A handwritten signature in black ink, appearing to read "Vincent Millin".

VINCENT MILLIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600